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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/363,062	07/29/1999	DAVID CHARLES VIANO	DP-300298	7639

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EXAMINER

WINNER, TONY H

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/363,062

Applicant(s)
Viano et al.

Examiner
First Last

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The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 30, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14 and 16-32 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 and 16-20 is/are allowed.
- 6) ☒ Claim(s) 21-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Acknowledgment

1. Receipt of the terminal disclaimer and amendment filed 7/30/02 has been acknowledged and entered. New claim 33 has been added and the office is withdrawing the double patenting rejection. Claims 12-14 and 16-20 have been allowed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 23, 24, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama et al. (5,575,497) in view of Sutherland (6,123,355).

Suyama discloses a single frontal air bag (col 1 - 65-67) is mounted on the roof of the vehicle, wherein the frontal air bag is adapted to be inflated and extend downward and sideways in front of an occupant seated in the vehicle.

Suyama lacks the teaching that the air bag is mounted solely to a pillar.

Sutherland teaches the mounting of the air bag on the A-pillar as an alternative to mounting the air bag along the headliner over the window (col 2 - lines 28-30).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag mounting arrangement of Suyama as taught by Sutherland to mount the air bag on the A-pillar so as to provide an alternative location to mount the air bag beside the roof or the headliner over the window.

With respect to claim 23, it is inherent that some type of trim molding is used to cover the air bag and would be displaced during the deployment of the frontal air bag.

With respect to claims 24 and 30-32, Suyama as modified by Sutherland discloses all of the claimed limitations.

3. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama as modified by Sutherland and further in view of Wipasuramonton et al. (5,615,909).

Suyama as modified by Sutherland is disclosed above but lacks the teaching of a neck portion of the air bag that is connected to at least one panel.

Wipasuramonton discloses a neck portion for the air bag so as to provide better angle of deployment (figure 6).

Based on the teaching of Wipasuramonton, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the neck portion to the air bag system of Suyama as modified by Sutherland so as to provide better angle of deployment for the air bag.

4. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama as modified by Sutherland, and further in view of Boerger (6,050,596).

Suyama as modified by Sutherland is disclosed above but silence about the diffuser.

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Boerger teaches an air bag safety device with a hollow diffuser tube to help control/distribute the air pressure.

Based on the teaching of Boerger, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag system of Suyama as modified by Sutherland to include the diffuser of Boerger so as to provide the air bag device with a means to control/distribute the air pressure.

5. Claims 22, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama as modified by Sutherland and further in view of Yamada (5,884,937).

Suyama as modified by Sutherland is disclosed above but silence with the remote inflator.

Yamada teaches an air bag device with the inflator remotely mounted to the vehicle structure so as to eliminate the restriction of the inflator sizes.

Based on the teaching of Yamada, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag device of Suyama as modified by Sutherland to include the remote inflator feature of Yamada so as to eliminate the restriction of inflator sizes due to the lack of space in the pillar to accommodate the inflator.

With respect to claims 28 and 29, Suyama as modified by Sutherland and Yamada discloses all of the claim limitations.

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Response to Arguments

6. Applicants' argument filed 7/30/02 have been fully considered but they are moot in view of new ground of rejection.

Applicants argue that Suyama air bag device does not deploy downward and sideway as recited in claims 21 and 33. Suyama discloses that a single air bag can be use to protect the front and side of the occupant (col 1 lines 65-67) and further indicated that the device can be mounted on the roof (fig 7c) of the vehicle. It would be obvious that the roof mounted air bag of Suyama during deployment would extend downward from the roof and sideway to protect the occupant as recited in claims 21 and 33.

Conclusion

7. Applicant's's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

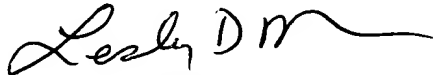
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Tony Winner whose telephone number is (703) 306-5957. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


TONY WINNER
PATENT EXAMINER


Lesley D. Morris
~~Primary Examiner~~
SPECIALIST

October 30, 2002